

Message

From: Swenson, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EAF7E8D916134568BA23121A89260045-PSWENSON]
Sent: 6/21/2016 1:55:02 PM
To: Wester, Barbara [wester.barbara@epa.gov]
CC: Sedlacek, Michael [Sedlacek.Michael@epa.gov]
Subject: RE: conference calls requested by waterlegacy

Barbara

I got a number:

Conference Line/Code / Ex. 6

While I was at it I got a conference room and sent out an invitation, but can you check to see if I sent it to the wrong people? For the 404 permit discussion participants would be Wendy Melgin, Melanie Burdick and me

*Peter Swenson (WW-16J)
 Chief, Watersheds and Wetlands Branch
 U.S. Environmental Protection Agency, Region 5
 77 West Jackson Boulevard
 Chicago, Illinois 60604
 312-886-0236
 swenson.peter@epa.gov*

From: Wester, Barbara
Sent: Tuesday, June 21, 2016 8:34 AM
To: Swenson, Peter <swenson.peter@epa.gov>
Cc: Sedlacek, Michael <Sedlacek.Michael@epa.gov>
Subject: FW: conference calls requested by waterlegacy

peter – could someone on your staff secure a conference line for the call with paula about northmet/401(a)(2) for 7/20 at 11? or should this be handled out of mike's office?

also, can you let me know who all should be invited, and i'll send out an invitation. thanks, barbara

From: Paula Maccabee [mailto:pmaccabee@justchangelaw.com]
Sent: Thursday, June 16, 2016 9:23 AM
To: Wester, Barbara <wester.barbara@epa.gov>
Subject: Re: conference calls requested by waterlegacy

Thank you, Barbara for setting these calls up. I would suggest the call time of Wednesday, August 3 at 11:00 for the withdrawal petition discussion and Wednesday, July 20th at 11:00 am for the NorthMet issues discussion.

Best regards,
 Paula

Paula Maccabee, Esq.
JUST CHANGE LAW OFFICES
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
Cell: 651-775-7128
e-mail: pmaccabee@justchangelaw.com
<http://www.justchangelaw.com>

Advocacy Director/Counsel for WaterLegacy

From: Barbara Wester <wester.barbara@epa.gov>
Date: Wednesday, June 15, 2016 at 9:18 AM
To: Paula Maccabee <pmaccabee@justchangelaw.com>
Subject: RE: conference calls requested by waterlegacy

hi paula — here are new proposed dates for the two calls that you requested. i'm still waiting for confirmation for the different groups of staffs involved, but i believe relevant staff will be available at the times below. please let me know your preferences and i will set up call-in numbers or look for more dates.

withdrawal petition - potential call times:

wednesday, august 3, at 11 am or 1 pm
wednesday, august 10, at 9 am

northmet issues — potential call times:

wednesday, july 20, 10 am or 11 am.

thanks, barbara

Barbara L. Wester
Associate Regional Counsel
Office of the Regional Counsel
U.S. Environmental Protection Agency, Region V
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ph: 312.353.8514
wester.barbara@epa.gov

From: Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]
Sent: Thursday, June 02, 2016 7:24 AM
To: Wester, Barbara <wester.barbara@epa.gov>
Subject: Re: conference calls requested by waterlegacy

Hello Barbara,

Thank you for your email.

Withdrawal Petition:

I've seen the recent documents posted to the EPA website and provided an update to EPA on the Keetac bill legislative process. I will follow up with HQ staff regarding the NPDES process. I would suggest that we set up the conference call on petition issues for the second week in July, after we've had a chance to review the Minnesota Attorney General's statement. Tuesday, July 12, Thursday July 14 and Friday July 15 all have many openings in my schedule at this time.

PolyMet

I understand the limits on what EPA would state at this time regarding PolyMet. WaterLegacy is in direct communication with state and federal lead agencies. I would be interested in sharing some updates and concerns and in gaining a better understanding of the EPA's process to develop information for matters uniquely within EPA jurisdiction. During the week of June 27, I am available for a conference call every day except June 30. Early afternoon is usually a good time for me.

Best regards,
Paula

Paula Maccabee, Esq.
JUST CHANGE LAW OFFICES
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
Cell: 651-775-7128
e-mail: pmaccabee@justchangelaw.com
<http://www.justchangelaw.com>

Advocacy Director/Counsel for WaterLegacy

From: Barbara Wester <wester.barbara@epa.gov>
Date: Tuesday, May 31, 2016 at 4:32 PM
To: Paula Maccabee <pmaccabee@justchangelaw.com>
Subject: RE: conference calls requested by waterlegacy

hello paula – these conference calls involve different groups of folks here and myself. can you suggest some potential dates in the 2d half of june and i will try to coordinate with everyone.

regarding the topics you propose to discuss, our final protocol for responding to the allegations raised in the petition is posted to our website, located at <https://www.epa.gov/mn/npdes-petition-program-withdrawal-minnesota>. our investigation of the allegations raised in the petition is currently ongoing.

at this point in the decisionmaking involved in the northmet project, including the ways in which the lead agencies for the EIS address EPA's comments, other federal or state agencies are in the process of making their decisions, none of which are yet final. thus there currently are no actions for EPA to review. EPA is not in a position to engage in any substantive discussion of speculative issues or to discuss our deliberative process.

with regard to the proposed NPDES rule changes, we suggest you directly engage our national office regarding background of the proposal. more information can be found here:
<https://www.federalregister.gov/articles/2016/05/18/2016-11265/national-pollutant-discharge-elimination-system-npdes-applications-and-program-updates>

during the conference calls you requested we would be available to listen to any concerns you may have and we will do our best to convey your concerns to those who have the lead responsibilities for decisionmaking on the issues you raise. we also strongly recommend that you directly engage the other decisionmaking agencies on your issues and concerns.

Barbara L. Wester
Associate Regional Counsel
Office of the Regional Counsel
U.S. Environmental Protection Agency, Region V
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ph: 312.353.8514
fax: 312.582.5132
wester.barbara@epa.gov

From: Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]
Sent: Friday, May 27, 2016 2:37 PM
To: Wester, Barbara <wester.barbara@epa.gov>
Subject: Re: conference calls requested by waterlegacy

Hi Barbara,

Any suggestions on dates regarding conferences on 1) NPDES petition and 2) PolyMet methylmercury and CWA permitting issues?

When we talk about the NPDES petition, I'd also appreciate some background on the newly proposed (Federal Register May 18, 2016) NPDES updates pertaining to administratively continued permits.

I look forward to hearing from you.

Best regards,
Paula

Paula Maccabee, Esq.
JUST CHANGE LAW OFFICES
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
Cell: 651-775-7128
e-mail: pmaccabee@justchangelaw.com
<http://www.justchangelaw.com>

Advocacy Director/Counsel for WaterLegacy

From: Paula Maccabee <pmaccabee@justchangelaw.com>
Date: Thursday, May 19, 2016 at 4:08 PM
To: Barbara Wester <wester.barbara@epa.gov>
Subject: Re: conference calls requested by waterlegacy

Thank you, Barbara.

For the Minnesota NPDES petition issues, let's look at the week of May 31st. Other than awaiting a grandchild's birth, which we can't predict with any degree of precision, much of that week is at my desk writing. Early afternoons tend to be best for me.

This is probably a separate call, but I would also like to know what is happening with respect to PolyMet methyl mercury issues and who is working on the procedural implementation of recognizing downstream tribal CWA Section 401(a)(2) authority.

Best regards,
Paula

Paula Maccabee, Esq.
JUST CHANGE LAW OFFICES
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
Cell: 651-775-7128
e-mail: pmaccabee@justchangelaw.com
<http://www.justchangelaw.com>

Advocacy Director/Counsel for WaterLegacy

From: Barbara Wester <wester.barbara@epa.gov>
Date: Thursday, May 19, 2016 at 3:57 PM
To: Paula Maccabee <pmaccabee@justchangelaw.com>
Subject: conference calls requested by waterlegacy

hi paula – i'm working on scheduling the anti-deg call you requested with our standards folks. i hope to confirm the wednesday 5/25 timeslot by monday (i apologise – i'm out of the office tomorrow, friday).

regarding your request for a call regarding the minnesota petition/npdes issues, i will schedule that call as soon as i'm back in the office on monday. in the meantime if you could provide a few potential dates that would be helpful.

i apologise in the delay in confirming these calls. barbara

Barbara L. Wester
Associate Regional Counsel
Office of the Regional Counsel
U.S. Environmental Protection Agency, Region V
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ph: 312.353.8514
fax: 312.582.5132
wester.barbara@epa.gov